

UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF INDIANA

INDIANAPOLIS DIVISION

IN RE:

KEITH ALLEN BLISS  
AMY KRISTEN BLISS

CASE NO: 17-07592-JMC-13

DEBTOR(S)

TRUSTEE'S MOTION TO DETERMINE VALIDITY OF PAYMENT CHANGE

Claim #6 – US Bank, NA / BSI Financial Services

Comes now Ann DeLaney, Trustee herein, and moves the Court pursuant to Fed.R.Bankr.P. 3002.1P for the entry of an order in this case determining the status of the monthly mortgage payment as set forth in the Notice of Mortgage Payment Change filed by US Bank, NA / BSI Financial Services (Creditor) on May 7, 2019. In support of this Motion, Trustee states as follows:

1. Debtors filed Chapter 13 Bankruptcy on October 5, 2017. Included in the eventual confirmed plan was a provision for Debtors' post-petition mortgage payments to be paid via Trustee conduit to their mortgage creditor listed as Rushmore Loan.
2. Creditor filed its Proof of Claim #6 (POC) on December 8, 2018. Current creditor was listed as US Bank, NA and servicer as Rushmore Loan Management Services, LLC. The POC showed the post-petition monthly mortgage payment as \$721.45, which was comprised of \$601.37 in principal & interest, and escrow of \$120.08.
3. Also specified in the POC was arrearage as of date of the petition of \$34,310.72. Part of the arrearage calculation was an escrow deficiency of \$6,286.96 and an escrow shortage of \$.04.
4. On June 28, 2018, a Notice of Servicing Transfer was filed naming BSI Financial Services as the new servicer.
5. On May 7, 2019, Creditor filed a Notice of Mortgage Payment Change (the Notice), the first and only payment change made to date in this case and increasing the monthly payment \$231.92 per month to \$953.37 effective June 1, 2019. Per the Notice the increase was directly attributable to the escrow portion of the payment that was increased from \$120.08 to \$352.00. No change was made in the interest rate.
6. The Escrow Summary accompanying the Notice shows actual history of the escrow account beginning June 2018 through May 2019. The ending balance for that time period is listed as (\$7,611.99). How much of the escrow deficiency, if any, paid by the Trustee through pre-petition arrearage is attributed to this final balance cannot be determined. In addition, Anticipated

Escrow Activity for June 2019 through May 2020 as part of the escrow analysis shows the beginning escrow balance as \$849.88.

7. At this time, the accuracy of the Notice of Mortgage Payment Change cannot be verified. Escrow deficiencies and shortages totaling 6,287.00 have already been assessed by the Creditor and are being collected as part of the pre-petition arrearage per the Creditor's POC, and the increase cannot be determined to be warranted if any of the escrow deficiency and/or projected escrow shortage in the pre-petition arrearage calculations are again contained in determining the new monthly mortgage payment. Furthermore, the escrow analysis contained as part of the Notice contains calculations that aren't confirmable.

WHEREFORE, after providing the opportunity to object, your Trustee requests that this Court issue an order determining the status of the monthly mortgage payment as set forth in the Notice filed May 7, 2019, by the Creditor, and, if applicable, direct Creditor to file an amended Notice of Mortgage Payment Change and for such further relief as the Court deems just.

Respectfully submitted,

Date: June 10, 2019

/s/ Ann DeLaney  
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**CERTIFICATE OF SERVICE**

I do hereby certify that a copy of the forgoing Motion has been duly served upon the following individuals, by electronic of United States mail, first class postage prepaid, on this date:  
**June 10, 2019**

U. S. Trustee

*via electronic mail*

Geraci Law, LLC

*via electronic mail*

BSI Financial Services

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BSI Financial Services

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